

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

**NORA HUTTO**

*Plaintiff*

**vs.**

**UNIVERSITY OF HOUSTON  
SYSTEMS et al.**

*Defendants*

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**CIVIL ACTION NO. V-05-70**

**PLAINTIFF'S OPPOSED MOTION TO EXTEND FILING DEADLINE  
FOR PLAINTIFF'S RESPONSE  
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
UNTIL 9 AM, NOVEMBER 7, 2007**

TO THE HONORABLE JOHN RAINEY, UNITED STATES DISTRICT JUDGE:

COMES NOW Nora Hutto, Plaintiff, and makes this her Opposed Motion to Extend Filing Deadline For Plaintiff's Response to Defendants' Motion for Summary Judgment Until 0AM, November 7, 2007; and in support hereof, Plaintiff would show the following:

I.

- A. On the basis of a confirmed notice from the Deputy Court Coordinator in the 212<sup>th</sup> District Court, Galveston, Texas on October 30, 2007, undersigned counsel was notified to report to the 212<sup>th</sup> District Court, Galveston County, Texas, for trial in the second criminal trial slot on Thursday, November 8, 2007, in *State v. Godfrey*, 05CR1477.
- B. Plaintiff notified the Court herein and asked for an extension of deadline and Motion for Continuance.
- C. The Court conducted a telephone conference and set a firm time for Plaintiff to respond until 5 PM on November 6, 2007, no later.

- D. At approximately 11 A.M., November 5, 2007, the Court Coordinator for the 212<sup>th</sup> District Court in Galveston County telephoned Plaintiff's counsel herein and reported that Judge Criss had ordered that Defendant Godfrey and counsel be in Galveston at 3 PM, without reference to the reason.
- E. At approximately 3 PM, undersigned counsel and his client Godfrey appeared in open Court and were told that the Defendant in the first case had jumped bond, and that Godfrey was being called for trial on Tuesday at 9 AM. Undersigned Counsel told the Court that he had been assured that he was to commence trial on November 8, 2007, and that he was under court orders in this case to file a response in Victoria by 5 PM on November 6, 2007. Judge Criss told Plaintiff's counsel that he should telephone Judge Rainey and explain his predicament. Plaintiff's counsel did telephone Ms. Richards and relate to her the problem which had been thrust upon him.
- F. At approximately 5 PM on November 5, 2007, the defendant in the first case was brought to the 212<sup>th</sup> Courtroom and undersigned counsel was told that he would be excused and required to be in Court with his client at 9 AM with his client and to start trial if the defendant in the first case did not go to trial. Undersigned counsel did not return to his office until approximately 7 PM.
- G. At 8:00 AM on November 6, 2007 undersigned counsel telephoned Ms. Richards again and explained the continuing nature of the sudden and totally unforeseen emergency which was interfering with his ability to do as told by Judge Rainey.
- H. At 9AM, Defendant Godfrey's case was passed until Friday, November 9, 2007.
- I. At approximately 19:45 AM, undersigned counsel called opposing counsel, whose secretary said that she was in the office but "obviously busy". Undersigned counsel left a

detailed message with Mr. Eccles' secretary and asked that he be called. After a while, undersigned counsel called Jennifer Bloom and explained and asked if should have Mr. Eccles call undersigned counsel. After a while, Ms. Bloom called and said tha Mr. Eccles said, "In light of the firmness of the Judge's order, Mr. Eccles would not agree to an extension until 9AM on the morning of November 7, 2007. But would be available for a conference call with the Judge."

- J. Plaintiff moves for an extension through the night hours, from 5 PM on the 6<sup>th</sup> of November until 9 AM on the 7<sup>th</sup> of November, 2007, not for delay alone but that justice be done.

Respectfully submitted,  
WATTS & ASSOCIATES, P. C.

-S-LW  
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ATTORNEYS FOR PLAINTIFF

### **VERIFICATION**

I Larry Watts verify on penalty of perjury that the above and foregoing facts are true and correct.

-S-LW  
Larry Watts

**CERTIFICATE OF CONFERENCE**

I, Larry Watts, certify that I conferred with opposing counsel's associate counsel on November 6, 2007, and this Motion is opposed.

-S-LW  
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Larry Watts

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing instrument was served on all counsel of record, pursuant to the Federal Rules of Civil Procedure, on November 6, 2007.

-S-LW  
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Larry Watts

